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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/720,277 | 03/12/2001 | Clifford L. Hannel | INTDYN01.017 | 9408 |

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| EXAMINER |
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VU, THONG H

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| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,277

Applicant(s)

HANNEL ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-12 are pending.

Claim Rejections - 35 USC § 101

2. Claims 8-12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. (i.e.: a policy database defined a sets of first entities and second entities).

3. Claims 8-12 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. (i.e.: a computer system and/or computer readable medium)

4. Claims 8-12 rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. (i.e.: a computer system and/or computer readable medium).

5. Claims 8-12 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a computer system and/or computer readable medium asserted utility or a well established utility.

Claim Rejections - 35 USC § 112

6. Claims 8-12 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a computer system or computer readable medium asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

7. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: the entity could be interpret as anything: table, list, index column, row, parameters or a policy in database/server. The first entity and

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second entity could be the same, i.e.: the first and second table or different, i.e.: the first table and the second column).

8. Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 1-4. See MPEP § 608.01(n). Accordingly, the claims 5-7 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jarvis et al [Jarvis 5,870,561]

10. As per claim 1, Jarvis discloses a policy enforcement system for enforcing policies defining what actions belonging to a first type thereof first entities defined in a computer system may perform on second entities defined in the computer system, the policy enforcement system being of the type that includes

a policy server including a policy database of the policies [Jarvis, the server selects a policy, col 6 lines 40-52; the server stored a set of policies in database, col 9 lines 54-59]; and

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a policy enforcer (i.e.: policy editor) that controls performance of the first type of action (i.e.: type of traffic, formulas) and is capable of communicating a request to perform an action of the first type to the policy server [Jarvis, type of traffic, col 5 lines 1-25; formulas, col 5 lines 26-41; policy editor interprets policies, col 5 line 58-col 6 line 12], the policy enforcer permitting performance of the action only if a response from the policy server indicates that the policies permit the action [Jarvis, grant immediately, col 3 lines 29-46] and the policy enforcement system being characterized in that:

the policy database is extensible to include policies for actions belonging to an additional type thereof, whereby an additional policy enforcer which controls performance of actions of the additional type may be added to the policy enforcement system [Jarvis, additional traffic types can be dynamically added, col 6 lines 13-23].

11. As per claim 2, Jarvis discloses the policy database is of the class wherein policies are defined in terms of sets of the first entities (i.e.: a network traffic type) and sets of the second entities (i.e.: additional traffic type or several traffic types) and the policy database is further extensible to include an additional type of the first entities and/or an additional type of the second entities [Jarvis, NDS database with several traffic types, col 6 lines 12-40].

12. As per claim 3, Jarvis discloses an action attribute may be associated in the database with a set of the first entities and/or a set of the second entities, the action attribute specifying a manner in which an action specified in a given policy is to be

performed as regards entities in the set of first entities and/or entities in the set of second entities [Jarvis, new traffic type definitions, col 6 lines 12-40; parameters, col 7 lines 10-30].

13. As per claim 4, Jarvis discloses the database is further extensible to include an additional type of action attributes (i.e.: parameters) [Jarvis, new traffic type definitions, several traffic types, col 6 lines 12-40; parameters, col 7 lines 10-30].

14. As per claim 5, Jarvis discloses the additional policy enforcer controls performance of actions at a level of the computer system (i.e.: policy apply to entire LAN) which is different from that at which the policy enforcer controls performance of actions (i.e.: object policies) [Jarvis, col 6 lines 40-52].

15. As per claim 6, Jarvis discloses at least one of the policy enforcers is at a location in the computer system that is remote from the policy server [Jarvis, the policies of remote node, col 4 lines 1-5].

16. As per claim 7, Jarvis discloses the policy enforcer controls a second entity that is not part of the computer system (i.e.: source or destination is not in its table, spec page 82 lines 27) [Jarvis, the server ignores these parameters, col 7 lines 15-30. It was clear that server / policy enforcer control the entity/parameter by consider some parameter unimportant or not part of the computer system].

17. As per claim 8, Jarvis discloses a policy database of the class [Jarvis, database storing a set of policies, col 9 lines 54-59] wherein policies are defined in terms of sets of first entities, sets of second entities, and actions, a given policy defining a given action which an entity belonging to a given set of the first entities may perform on an entity belonging to a given set of the second entities [Jarvis, selecting one policy from the set of policies, forming control information associated with the selected policy, wherein the parameters define type of traffic should be generated, col 8 lines 50-65] and the policy database being characterized in that:

a further condition may be associated in the database with the given policy, the further condition determining at the time a requesting entity belonging to the given set of first entities makes a request to perform the given action on an entity belonging to the given set of second entities whether the requesting entity may perform the action [Jarvis, whether network traffic should be generated, col 8 lines 60-65].

18. As per claim 9, Jarvis discloses the further condition is a time interval specification associated with the given policy, the time interval specification specifying an interval of time during which entities belonging to the given set of first entities specified in the given policy may perform the given action specified therein on entities belonging to the given set of second entities specified therein [Jarvis, whether network traffic should be generated, col 8 lines 60-65 or the server ignores these parameters,

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col 7 lines 15-30 and the proposed generation should take place at said future time, col 8 lines 15-37].

19. As per claim 10, Jarvis discloses policy database of the class wherein policies are defined in terms of sets of first entities, sets of second entities, and actions, a given policy defining a given action which an entity belonging to a given set of the first entities may perform on an entity belonging to a given set of the second entities [Jarvis, selecting one policy from the set of policies, forming control information associated with the selected policy, wherein the parameters define type of traffic should be generated, col 8 lines 50-65] and the policy database being characterized in that:

an action attribute may be associated in the database with the given set of first - entities and/or the given set of second entities, the action attribute specifying a manner in which the given action specified in the given policy is to be performed [Jarvis, whether network traffic should be generated, col 8 lines 60-65].

20. As per claim 11, Jarvis discloses the database is extensible to include new types of action attributes [Jarvis , database with additional traffic types, col 6 lines 12-23].

21. As per claim 12, Jarvis discloses an action attribute condition may be associated in the database with an action attribute for the given policy, the action attribute condition determining whether a requesting entity belonging to the given set of first entities can perform the given action as specified in the action attribute on an entity in the given set

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of second entities at the time the requesting entity makes the request [Jarvis, whether network traffic should be generated, col 8 lines 60-65 or the server ignores these parameters, col 7 lines 15-30 and the proposed generation should take place at said future time, col 8 lines 15-37].

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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